

1102138-Court-A-U.S.
JOHN T ORCUTT
ATTORNEY AT LAW
6616-203 SIX FORKS ROAD
RALEIGH, NC 27615-0000

IN RE
CURTIS BARNES
POST OFFICE BOX 2491

ROCKY MOUNT, NC 27802-2491
SSN or Tax I.D. XXX-XX-8220

Chapter 13

Case Number: 11-02138-8-RDD

U.S. BANKRUPTCY COURT
1760-A PARKWOOD BLVD
WILSON, NC 27893

NOTICE OF MOTION FOR CONFIRMATION OF PLAN

ROBERT R. BROWNING, Chapter 13 Trustee has filed papers with the Court to Confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion For Confirmation Of Plan, or if you want the court to consider your views on the motion, then on or before 06/06/2011, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

U.S. Bankruptcy Court
Eastern District of North Carolina
1760-A Parkwood Blvd
Wilson, NC 27893

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney and trustee at the following addressses:

Debtor(s):
CURTIS BARNES
POST OFFICE BOX 2491
ROCKY MOUNT, NC 27802-2491

Attorney:
JOHN T ORCUTT
ATTORNEY AT LAW
6616-203 SIX FORKS ROAD
RALEIGH, NC 27615-0000

Trustee:
ROBERT R. BROWNING
P.O. BOX 8248
GREENVILLE, NC 27835

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: May 05, 2011

ROBERT R. BROWNING
Chapter 13 Trustee
P.O. BOX 8248
GREENVILLE, NC 27835

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA**



IN RE:

CASE NUMBER: 11-02138-8-RDD

CURTIS BARNES

CHAPTER 13

DEBTOR(S)

**MINUTES OF 341 MEETING AND
MOTION FOR CONFIRMATION OF PLAN**

NOW COMES the Trustee in the above referenced Chapter 13 case moving the Court for an Order confirming the Plan in the case and, in support, of said Motion, says unto the court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on April 21, 2011, or has supplied answers to written interrogatories;
2. The debtor(s) has/have complied with all requirements of 11 U.S.C §521 (a) (1) (B) and Interim Bankruptcy Rules 1007 and 4002 (b), as modified and adopted by this Court, and this case has not been dismissed, nor is it subject to dismissal, under 11 U.S.C. §521 (i);
3. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;
4. That the trustee has reviewed the schedules and relative information in the debtor(s) petition and has made a determination of the disposable income for the debtor(s) in this case. The calculation of disposable income impacts on what, if any, dividend will be received by unsecured creditors. The debtor(s) plan provides for payments of:

\$1,684.00	for	55	Months
	for		Months
	for		Months
	for		Months

THE ANALYSIS OF THIS PLAN INDICATES THE GENERAL UNSECURED CREDITORS WILL RECEIVE A DIVIDEND. IF FUNDS ARE AVAILABLE TO THE UNSECURED CLASS THE EXACT AMOUNT TO BE PAID EACH CLAIM CANNOT BE CALCULATED AT THIS TIME;

5. That the liens of creditors which will not be paid in full during the term of the Plan or which are to be paid directly by the debtor(s) are not affected by the confirmation of this plan;
6. Generally, and subject to orders entered hereafter by the Court, any proof of claim that is not filed on or before July 20, 2011 ("Bar Date") shall be disallowed. Claims of governmental units,

proofs of which are not filed before September 19, 2011 ("Government Bar Date") shall be disallowed;

7. That the claims of secured creditors shall be paid as secured to the extent of the claim or to the extent of the value of the collateral as set out below:

- a. Claims to be paid directly by the Debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
(011) EDGECOMBE COUNTY TAX COLLECTOR	PROPERTY TAXES – FUTURE	DIRECT

- b. Continuing Long Term Debts to be paid by the Trustee:

The trustee will disburse regular ongoing monthly payments effective with the month indicated below with the Debtor to resume direct payments upon completion of plan payments. Arrearage through the month indicated will be paid in full over the term of the plan without interest as funds are available unless otherwise indicated. To receive disbursements, a creditor must file a proof of claim documenting a non-preferential perfected lien against the property. The Trustee will disburse the regular monthly payment indicated below unless an allowed filed claim indicates a different payment.

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

- c. Claims paid to extent of claims as filed (no cramdown):

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

- d. Claims paid to extent of value:

<u>Creditor</u>	<u>Collateral</u>	<u>Present Value</u>	<u>Repayment Rate/Term</u>
(012) EDGECOMBE COUNTY TAX COLLECTOR	PROPERTY TAXES ARREARS	UNKNOWN	0% PRO-RATA WITHIN LIFE OF THE PLAN – NO CLAIM FILED
(017) GE MONEY BANK	04 HONDA 4 WHEEL ATV	\$4,377.00 SECURED	5.25% PRO-RATA WITHIN LIFE OF THE PLAN – NO CLAIM FILED
(030) WELLS FARGO BANK NA	MORTGAGE – MH	\$16,004.00 SECURED	5.25% PRO-RATA WITHIN LIFE OF THE

PLAN – NO CLAIM
FILED

e. Claims to be avoided by the debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

Provided sufficient funds are available, and a proof of claim has been filed and allowed, the secured creditors listed above can expect to receive a minimum monthly payment equal to 1% of the value of their collateral.

8. **LONG TERM RESIDENTIAL MORTGAGE CLAIMS** shall be paid in a manner consistent with that November 5, 2009 Administrative Order Establishing Procedures Governing Post-Petition Conduit Mortgage Payments.

Administrative Arrearage Claim Treatment Under Conduit Order. If the mortgage creditor on a mortgage subject to the “Administrative Order Establishing Procedures Governing Post-Petition Conduit Mortgage Payments Effective January 1, 2010” (hereinafter “Conduit Order”) files a Proof of Claim for post petition arrearages that includes the two month “Administrative Arrearage” as defined in the Conduit Order, the Trustee has used that two month portion of the claimed amount as the Administrative Arrearage. In that event, Trustee has established that two month Administrative Arrearage claim as a separate claim and reduced the amount stated in the mortgage creditors proof of claim accordingly.

9. That the following creditors have filed secured proofs of claims but, due to the value placed on the collateral, the claims will be treated as unsecured and paid along with other unsecured claims. With respect to claims listed below for which the terms of repayment are listed as: “Abandon,” upon entry of an Order confirming the plan, as modified by this Motion, the automatic stay of §362(a) and the automatic co-debtor stay of §1301 shall thereupon be lifted and modified with respect to such property “for cause” under §362(a)(1), as allowed by Local Rule 4001-1(b):

NONE

Reference herein to “Direct” or “Outside” or similar language regarding the payment of a claim under this plan means that the debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties of the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief;

10. That the treatment of claims indicated in paragraphs 7 and 8 above, are based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;
11. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below:

<u>Creditor</u>	<u>Property Leased/Contracted For</u>	<u>Treatment</u>
NONE		

12. That priority claims shall be paid in full over the term of the Plan;
13. That confirmation of this Plan will be without prejudice to pending Motions For Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;
14. That confirmation of the Plan vests all property of the estate in the debtor(s);
15. That the attorney for the debtor(s) is requesting fees in the amount of \$3,000.00 . The Trustee recommends to the Court a fee of \$3,000.00 . If the recommended fee is different from that requested an explanation can be found in Exhibit 'A'.

s/ Robert R. Browning
Robert R. Browning
Standing Chapter 13 Trustee

EXHIBIT 'A'**CASE NUMBER: 11-02138-8-RDD****DEBTORS: CURTIS BARNES****EMPLOYMENT:**

Debtor: DAUGHTRIDGE GAS & OIL GROSS INCOME: \$38,784.00
P.O. BOX 593
ROCKY MOUNT, NC 27802-0593

Spouse: MARIE'S HOUSE OF BEAUTY \$2,030.04
3328 A SUNSET AVE.
ROCKY MOUNT, NC 27804

Prior Bankruptcy cases: Yes ☐ No ☒ If so, Chapter filed

Disposition:

Real Property: House and Lot ☐ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☒

Description: RESIDENCE

FMV	\$51,809.80	Date Purchased
Liens	\$16,004.00	Purchase Price
Exemptions	\$35,000.00	Improvements
Equity	\$ 805.80	Insured For
Rent		Tax Value

Description 5 BURIAL PLOTS

FMV	\$3,220.00	Date Purchased
Liens	\$0.00	Purchase Price
Exemptions	\$0.00	Improvements
Equity	\$3,220.00	Insured For
Rent		Tax Value

COMMENTS:

<u>Attorney</u>	Requested:	\$3,000.00	(excluding filing fee)
<u>Fees:</u>	Paid:	\$200.00	(excluding filing fee)
	Balance:	\$2,800.00	

Trustee's Recommendation: \$3,000.00

Comments:

Plan Information:

<u>Plan Information:</u>		<u>After 341</u>		<u>Payout % After 341</u>	
Total Debts	\$114,740.57	Pay in	\$92,620.00	Priority	100.00%
Priority	\$5,925.77	Less 8.00%	\$7,409.60	Secured	100.00%
Secured	\$22,975.70	Subtotal	\$85,210.40	Unsecured	40.00%
Unsecured	\$85,839.10	Req. Atty. Fee	Incl. w/ claims	Joint	0.00%
Joint Debts	\$0.00	Available	\$85,210.40	Co-Debts	0.00%
Co-Debtor	\$0.00				

Annual Review: Yes ☐ No ☐Payroll Deduction: Yes ☐ No ☒**Objection to Confirmation:**Yes ☐ No ☐

Pending: SEE COURT DOCKET

Resolved: SEE COURT DOCKET

Motions Filed: Yes ☐ No ☐

If so, indicate type and status: SEE COURT DOCKET

Hearing Date:

CERTIFICATE OF MAILING

0016

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 TASK: 05-04-2011.00556762.LSA000 DATED: 05/05/2011

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Court Served Electronically

Debtor		CURTIS BARNES	POST OFFICE BOX 2491 ROCKY MOUNT, NC 27802-2491
799	000002	JOHN T ORCUTT 6616-203 SIX FORKS ROAD	ATTORNEY AT LAW RALEIGH, NC 27615-0000
022	000008	INTERNAL REVENUE SERVICE	PO BOX 7317 PHILADELPHIA, PA 19101-7317
022	000036	INTERNAL REVENUE SERVICE	PO BOX 7317 PHILADELPHIA, PA 19101-7317
032	000037	INTERNAL REVENUE SERVICE	PO BOX 7346 PHILADELPHIA, PA 19101-7346
016	000022 *CM	BANK OF AMERICA, N.A. (USA) 1000 SAMOSET DRIVE DE5-023-03-03	ATTN: MR. M-BK NEWARK, DE 19713
015	000023	FIA CARD SERVICES	PO BOX 15026 WILMINGTON, DE 19850
007	000016 *CM	CHASE BANK USA NA	PO BOX 15145 WILMINGTON, DE 19850-5145
006	000017	BP P O BOX 15298	C/O CHASE WILMINGTON, DE 19850-5298
027	000009	US ATTORNEY SUITE 800 FEDERAL BUILDING	310 NEW BERN AVENUE RALEIGH, NC 27601-1461
011	000003	EDGECOMBE COUNTY TAX COLLECTOR	PO BOX 1070 TARBORO, NC 27886-0010
012	000004	EDGECOMBE COUNTY TAX COLLECTOR	PO BOX 1070 TARBORO, NC 27886-0010
013	000007	EDGECOMBE COUNTY TAX COLLECTOR	PO BOX 10 TARBORO, NC 27886-0010
008	000018	CAPITAL ONE	PO BOX 71083 CHARLOTTE, NC 28272-1083
004	000014	BELK PO BOX 103104	C/O GE MONEY BANK ROSWELL, GA 30076
018	000028 *CM	GE MONEY BANK/LOWES P.O. BOX 103104	ATTN: BANKRUPTCY DEPT. ROSWELL, GA 30076
029	000033	WALMART	PO BOX 530927 ATLANTA, GA 30353-0927
030	000006 *CM	WELLS FARGO BANK, NA	PO BOX 536210 ATLANTA, GA 30353-6210
005	000015	BELK CENTER	PO BOX 960012 ORLANDO, FL 32896-0012
017	000005 *CM	GE MONEY BANK	PO BOX 960061 ORLANDO, FL 32896-0661
003	000012	AT&T UNIVERSAL CARD	PO BOX 182564 COLUMBUS, OH 43218-2564
024	000029	SEARS	PO BOX 183081 COLUMBUS, OH 43218-3081
031	000035	FPC FINANCIAL	PO BOX 6600 JOHNSTON, IA 50131-6600
025	000030	SEARS	PO BOX 6283 SIOUX FALLS, SD 57117-6283

CERTIFICATE OF MAILING

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009	000013	CITIBANK	PO BOX 6500 SIOUX FALLS, SD 57117-6500
021	000020 *CM	HSBC	PO BOX 5222 CAROL STREAM, IL 60197
010	000019	DIRECT REWARDS	PO BOX 5241 CAROL STREAM, IL 60197-5241
014	000021	JOHN DEERE CREDIT	23176 NETWORK PLACE CHICAGO, IL 60673
026	000031 *CM	UMB BANK NA	PO BOX 419734 KANSAS CITY, MO 64141
002	000011	AMERICAN EXPRESS	PO BOX 650448 DALLAS, TX 75265-0448
019	000025	HOME DEPOT	PO BOX 653000 DALLAS, TX 75265-3000
020	000026	HOME DEPOT CREDIT SERVICES	PO BOX 750724 DALLAS, TX 75275-0724
001	000024	AMERICAN EAGLE	PO BOX 981400 EL PASO, TX 79998-1400
F	000010 *CM	5 STAR BANK	PO BOX 35420 COLORADO SPRINGS, CO 80935
023	000027 *CM	GE MONEY BANK PO BOX 91121	C/O B-LINE LLC - MS550 SEATTLE, WA 98111-9221
028	000032 *CM	GE MONEY BANK PO BOX 91121	C/O B-LINE LLC - MS550 SEATTLE, WA 98111-9221

37 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 05/05/2011.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON 05/05/2011 BY /S/EPIQ Systems, Inc.

*CM - Indicates notice served via Certified Mail